

CRWP No. 8760 of 2022

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP No. 8760 of 2022

Date of Decision: 12th September, 2022

Hardeep Kumar and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. K. K. Sarthi, Advocate for the petitioners.
Mr. Arun Luthra, DAG, Punjab.

AVNEESH JHINGAN, J.(Oral)

This petition is filed seeking directions for protecting life and liberty of the petitioners from the hands of private respondents (arrayed in the petition). The petitioners have solemnised marriage against the wishes of their parents.

Considering the number of cases being filed for protection and the issue of life and liberty is involved therein, this Court in CRWP No. 2428 of 2021 directed the States of Punjab, Haryana and U.T., Chandigarh to take steps to ensure that apprehension of threat is dealt with by the concerned authorities at the earliest and the needful steps warranted are taken expeditiously.

It would not be out of place to mention that in CRWP No. 2428 of 2021, U.T. Administration and States of Punjab and Haryana filed reports with regard to forums made available by way of portal, websites and help-line numbers, for the couples seeking protection. Public awareness

campaigns were undertaken with regard to the forums provided.

On 29.4.2022, learned counsel for the State of Punjab apprised the court of following developments:

“Learned State counsel for Punjab submits that portal has been started and shelter homes are earmarked in 14 districts and in the rest of the districts needful would be done at the earliest.”

On 24.5.2022, learned counsel for States of Punjab, Haryana and U.T. made the following submissions:

“Learned State counsel for Punjab, Haryana and U.T., Chandigarh submit that officials required, infrastructure machinery to deal with the threat perceptions to run away couples, seeking protection, has been put in place and made operational. Portals have been activated. The public awareness process with regard to the Forums and remedies available is being carried out.

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Learned counsel for the Punjab, Haryana and UT, Chandigarh seek time to inform the court as to what would be the practical time period within which the first help from the receipt of the complaint could reach the distressed couples.”

Thereafter, the matter was treated as PIL. On 15.7.2022, Hon'ble Division Bench passed the following order:

“Learned Deputy Advocate General appearing for the State of Punjab prays for time to file an affidavit indicating the steps taken by the State of Punjab for the purposes of setting up and creating machinery to deal with the problems and the issues raised by this court.

Further, it is observed that in view of the mechanism that has been put in place by the States of Punjab, Haryana and Union Territory, Chandigarh, for the present there is no

urgent or immediate requirement to install any awareness sign boards in the premises of the High Court. In the circumstances, the exercise to install awareness boards in the High Court premises is deferred.”

These steps were taken on the asking of the court to ensure that the couples seeking protection need not to rush all the way to Chandigarh, enhancing their threat apprehension. In spite of that in the present petition, the representation was sent through registered post on 8.9.2022. Petition was filed on same day without waiting for the representation to reach the concerned quarter.

On a pointed query from learned counsel for the petitioners as to whether he is aware with regard to the steps taken by the State for providing forums and protections to be granted to the petitioners, he submits that he is aware of it. It is a case of misuse of process of law. The mode of sending representation is adopted in a manner that before filing the petition no effective steps can be taken by police authorities, including providing facility of safe house for providing protection to petitioners. The petition is filed infact without approaching the authorities for protection.

Considering the conduct of the petitioners, the petition is dismissed.

However, there is no doubt that on representation reaching the concerned quarter, the same would be considered expeditiously in accordance with law.

(AVNEESH JHINGAN)
JUDGE

12th September, 2022
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Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No